

been discussed in detail and Ameritech has agreed to implement plans designed to obtain improved levels of performance. But no significant or lasting improvements have been achieved.

28. By providing AT&T with degraded access service, Ameritech has hindered AT&T's ability to deliver to its customers the high-quality interexchange services that they expect and, at one time, regularly received. As a result, numerous AT&T customers have been directly impacted by the access service problems. For example, JTF-11 attached is a list of 105 AT&T Michigan customers¹ whose new service was not provisioned by their desired due date in August 1996. In 44 of those cases, Ameritech not only missed the customer's desired due date, but it also missed its own commitment date for provisioning the service. (See reported incidents that include a "jep code" or jeopardy code entry). Each of these customers was negatively affected by Ameritech's inferior and degraded access service in that they were subjected to unreasonable delays in the receipt of service.

29. JTF-12 attached is a list of AT&T Michigan customers who experienced service outages in August 1996. Of the reported incidents, 27 customers experienced DS0 service trouble that lasted for more than one hour. Four of those customers lost service for an excess of 10 hours. An additional 71 customers experienced trouble with their DS1 service that lasted for more than 3 hours. Each of these customers was negatively affected by Ameritech's inferior and degraded access service in that they were subjected to unacceptable service outages.

¹ These documents have been redacted to protect proprietary information regarding customer identity.

30. Indeed, the unabated deterioration of Ameritech's service in other areas has resulted in general public controversy and a flurry of consumer complaints. Numerous published articles criticize Ameritech for its provision of deteriorating service in the states throughout Ameritech's region, including Illinois, Ohio and Wisconsin. See JTF-15 through JTF-19 attached. Moreover, in Illinois, the Citizen's Utility Board filed a complaint with the Illinois Commerce Commission asking the Commission to impose additional quality standards on Ameritech to improve its degraded service. See JTF-20 attached. In Wisconsin, the Wisconsin Attorney General is currently investigating thousands of service complaints filed against Ameritech by its customers. See JTF-21 attached.

31. Gradually since 1989, AT&T has been authorized to provide certain services in competition with Ameritech. On February 24 and July 19, 1994, the Michigan Public Service Commission issued orders in Case No. U-10138 requiring implementation of intraLATA dialing parity for the purpose of developing a competitive intraLATA market. In November 1994, AT&T began to aggressively market its dial-around services, allowing Ameritech customers to directly use AT&T service for local toll calling without dialing additional digits. These events marked the first direct challenges to Ameritech intraLATA monopoly in Michigan and thus the first threat of real intraLATA market competition.

32. In April 1995, prior to implementation of the federal Telecommunications Act, AT&T, Ameritech and the Department of Justice had agreed to a local service trial in the Grand Rapids area. As part of the trial, the local exchange was going to be opened to

competition. Passage of the federal act pre-empted the trial program before it could be implemented.

33. In 1995, Michigan amended its Telecommunications Act to allow for increased competition in the local exchange market. Pursuant to those amendments, Ameritech was required to file a total services resale tariff by January 1996. In 1996, the federal Telecommunications Act was passed.

34. AT&T is currently providing intraLATA services in direct competition with Ameritech utilizing, for many services, access furnished by Ameritech. This competition will increase in the future as AT&T and Ameritech become direct competitors for long-distance customers based on Ameritech's ability to obtain interLATA relief.

COUNT I

35. AT&T restates paragraphs 1 to 34 as if set forth fully herein.

36. Pursuant to § 305 of the Act, no provider of basic local exchange service can degrade the quality of access service provided to another provider; refuse or delay access service to the local exchange; impair the speed, quality or efficiency of the lines used by another provider; or provide inferior connections to another provider.

37. Ameritech currently is providing to AT&T a degraded and inferior quality of access service that is impairing the speed, quality and efficiency of the lines used by AT&T to provide interexchange services. Also, by failing and refusing to provision new service by the customer desired due date, and by failing to timely restore service outages,

Ameritech is refusing and/or delaying access service to the local exchange, all in violation of § 305 of the Act.

COUNT II

38. AT&T restates paragraphs 1 to 37 as if set forth fully herein.

39. Pursuant to § 202 of the Act, the Commission has the authority to issue orders to establish and enforce quality standards for the provision of telecommunications services in Michigan. Such authority is consistent with one of the purposes of the Act, which is to ensure effective review and disposition of disputes between telecommunication providers. The Act, § 101(h).

40. AT&T has repeatedly requested that Ameritech return the quality of access service to the levels that Ameritech at one time routinely achieved. Ameritech has failed to do so. At present, Ameritech is providing access service that is impairing AT&T's ability to provide to Michigan consumers the high-quality interexchange telecommunications services expected from AT&T.

41. The Commission has the authority to resolve this dispute by issuing an Order establishing specific quality standards to be met by Ameritech in provisioning and maintaining its access service, thereby resulting in high-quality interexchange service for Michigan customers.

COUNT III

42. AT&T restates paragraphs 1 to 41 as if set forth fully herein.

43. Section 205(2) of the Act expressly authorizes the Commission to require changes in how regulated telecommunication services are provided based upon a determination that the quality or conditions for the service violate the Act or are adverse to the public interest.

44. Ameritech is currently providing AT&T with access service of a quality that violates the Act and is adverse to the public interest. AT&T has repeatedly requested that Ameritech improve the quality of the access service to return it to the levels that Ameritech once delivered. Ameritech has failed to do so.

45. The Commission has the express authority, upon notice and hearing, to conclude that the provision of degraded access service by Ameritech to AT&T violates the Act and is contrary to the public interest. Upon such a finding, the Commission can issue an order establishing specific quality standards that must be achieved in providing access so as to protect the public's right to quality telecommunications services.

COUNT IV

46. AT&T restates paragraphs 1 to 45 as if set forth fully herein.

47. Pursuant to § 204 of the Act, if two or more telecommunication providers are unable to agree on a matter relating to a regulated telecommunication issue between the parties, including but not limited to a matter prohibited by section 305 of the Act, then either telecommunication provider may file with the commission an application for resolution of the matter.

48. AT&T and Ameritech are each telecommunication providers under Section 204 of the Act and have been unable to reach agreement with respect to the quality of

access service currently being provided, and to be provided in the future, to AT&T by Ameritech.

49. The quality of access service Ameritech is providing to AT&T is inferior, inadequate and unreasonable.

50. The degraded level of access service being provided by Ameritech to AT&T is impairing the speed, quality and efficiency of the lines used by AT&T to service its customers.

51. Resolution of the issue of the quality of access service currently being provided by Ameritech to AT&T and resolution of the issue of corrective action to be implemented by Ameritech to improve the quality of access service to be provided by Ameritech to AT&T in the future is within the Commission's jurisdiction pursuant to MCL 484.2204 and the Commission has the authority to grant the relief sought by AT&T herein.

WHEREFORE, AT&T requests the Commission conduct an investigation, hold a contested case hearing and issue its findings as follows: (1) that the quality of the access service being provided to AT&T by Ameritech is inferior, inadequate and unreasonable, that it is a degraded level of access service and that it is impairing the speed, quality and efficiency of the lines used by AT&T to service its customers; (2) that, by providing such degraded access service to AT&T, Ameritech is violating the Act; (3) that the provision of degraded access service by Ameritech to AT&T is adverse to the public interest in Michigan; and (4) that Ameritech's degraded service quality disadvantages AT&T in competition with Ameritech.

On the basis of such finding, the Commission should issue an Order stating: (1) that Ameritech is required, by a date certain as specified by the Commission, to return the quality of its access service to the levels that it was achieving prior to September 1994 or to a specific quality level that the Commission deems appropriate; (2) that, under § 601 of the Act, Ameritech is required to pay up to a \$20,000 fine for each day that the quality of its access service violated the Act, as determined by this Commission; (3) that for each subsequent offense -- or offenses that occur after the effective dates so specified by the Commission's Order -- Ameritech will be required to pay up to a \$40,000 fine for each day that its access service fails to meet the quality standards imposed by the Commission; (4) that, for purposes of enforcing the Commissions' Order, Ameritech be required to report the levels of its performance in the provisioning of access service to the Commission on a regular basis, making the same available to AT&T; (5) that Ameritech establish separate organizational structures to furnish these services to interexchange carrier competitors and to its own retail units on a non-discriminatory basis; and (6) for such additional relief as may be requested or appropriate.

In addition, AT&T requests that the Commission resolve the outstanding issues between the parties regarding the quality of access service provided by Ameritech by:

- (1) Establishing minimum performance standards which Ameritech is required to meet in providing access service to AT&T and others, including at least the following performance standards:

- (a) Provisioning of new DS0 service: Require Ameritech to provide new service by the customer's desired due date on not less than 95% of all new orders.
 - (b) Provisioning of new DS1 service: Require Ameritech to provide new service by the customer's desired due date on not less than 95% of all new orders.
 - (c) Restoration of failed DS0 services: Require Ameritech to restore failed DS0 service in less than three hours in not less than 79% of all DS0 failures.
 - (d) Restoration of failed DS1 services: Require Ameritech to restore failed DS1 service in less than one hour in not less than 36% of all DS1 failures.
 - (e) Such higher or additional performance standards as the Commission may find reasonable.
- (2) Determining appropriate penalties and remedies to be applied in the event Ameritech fails to meet any minimum performance standards established by the Commission in this proceeding.
- (3) Ordering such additional or other relief as the Commission determines is appropriate.

This Complaint is supported by the Testimonies of Mr. William West and Mr. James Flynn and the Exhibits attached hereto.

DATED: October 30, 1996

Respectfully submitted,

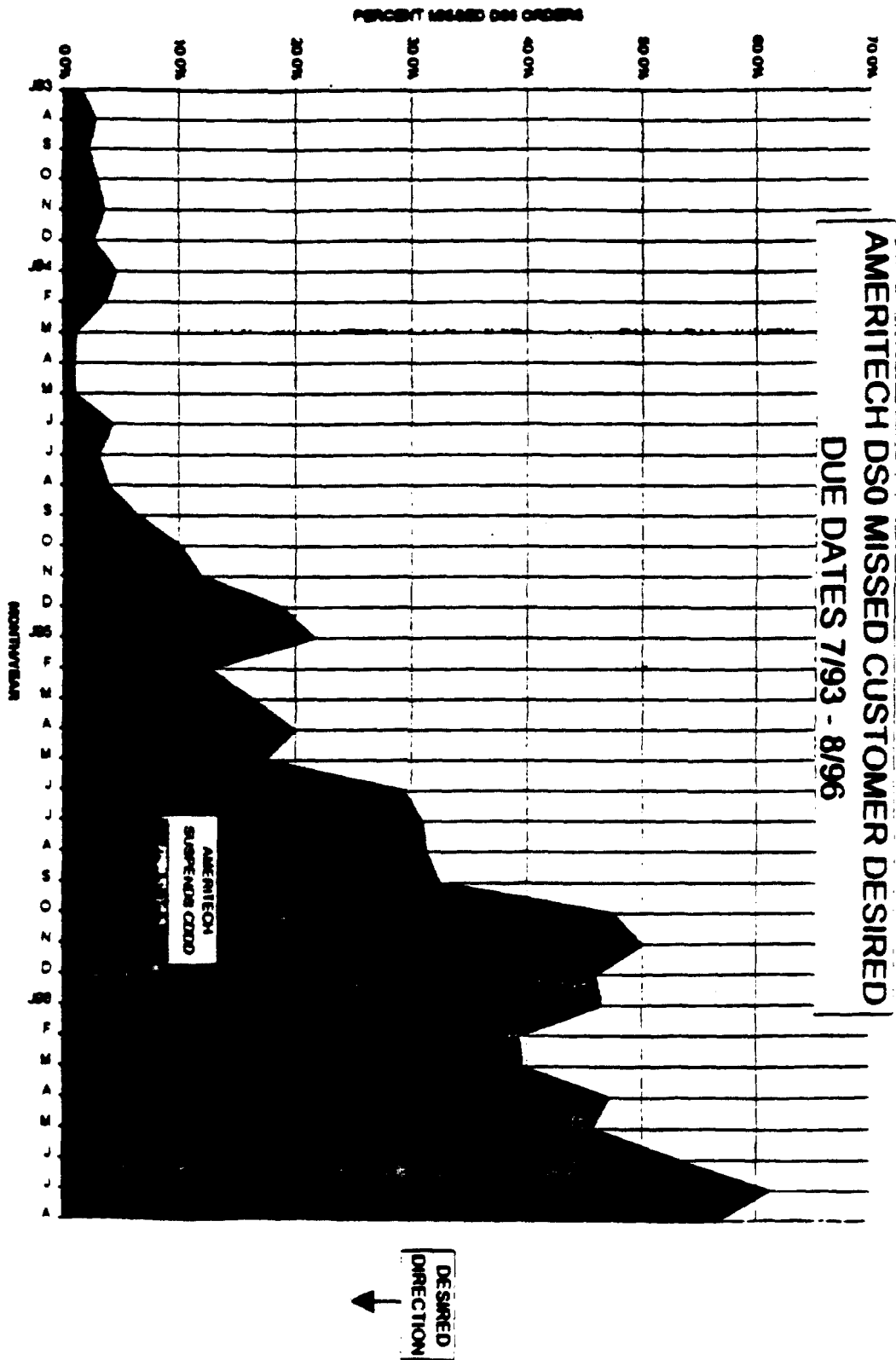
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By: 
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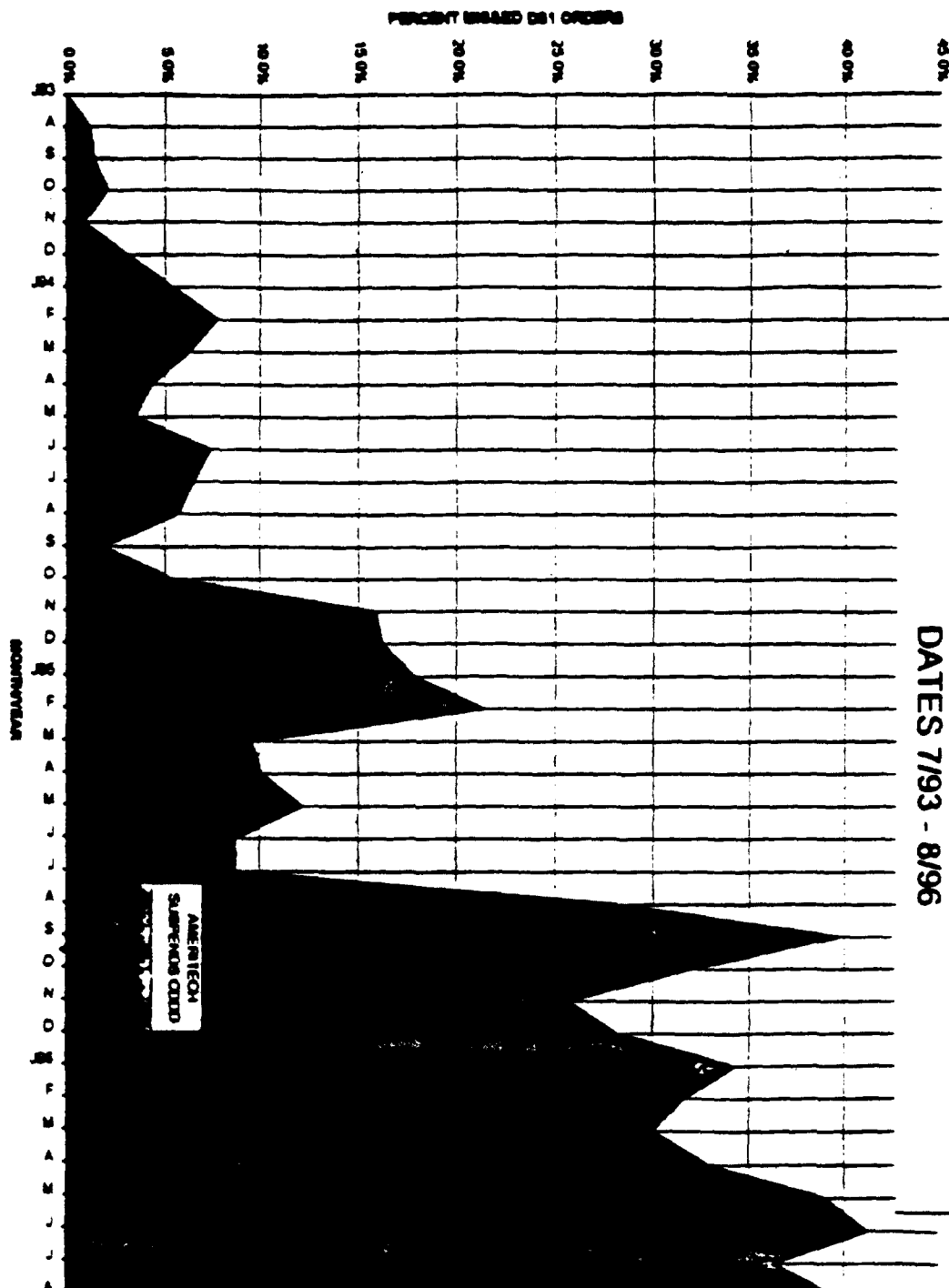
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AMERITECH DSO



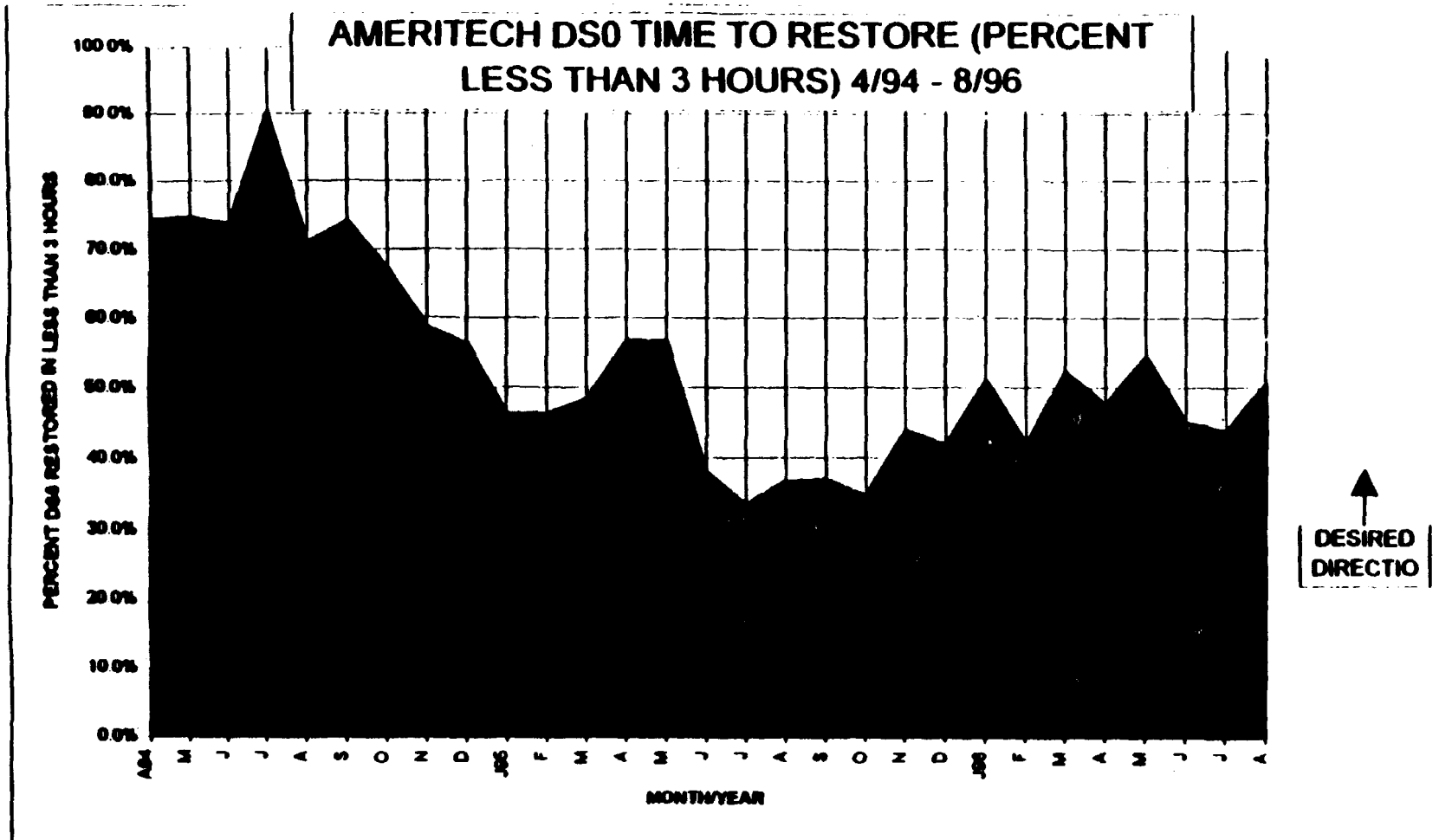
AMERITECH DS1

AMERITECH DS1 MISSED CUSTOMER DESIRED DUE DATES 7/93 - 8/96

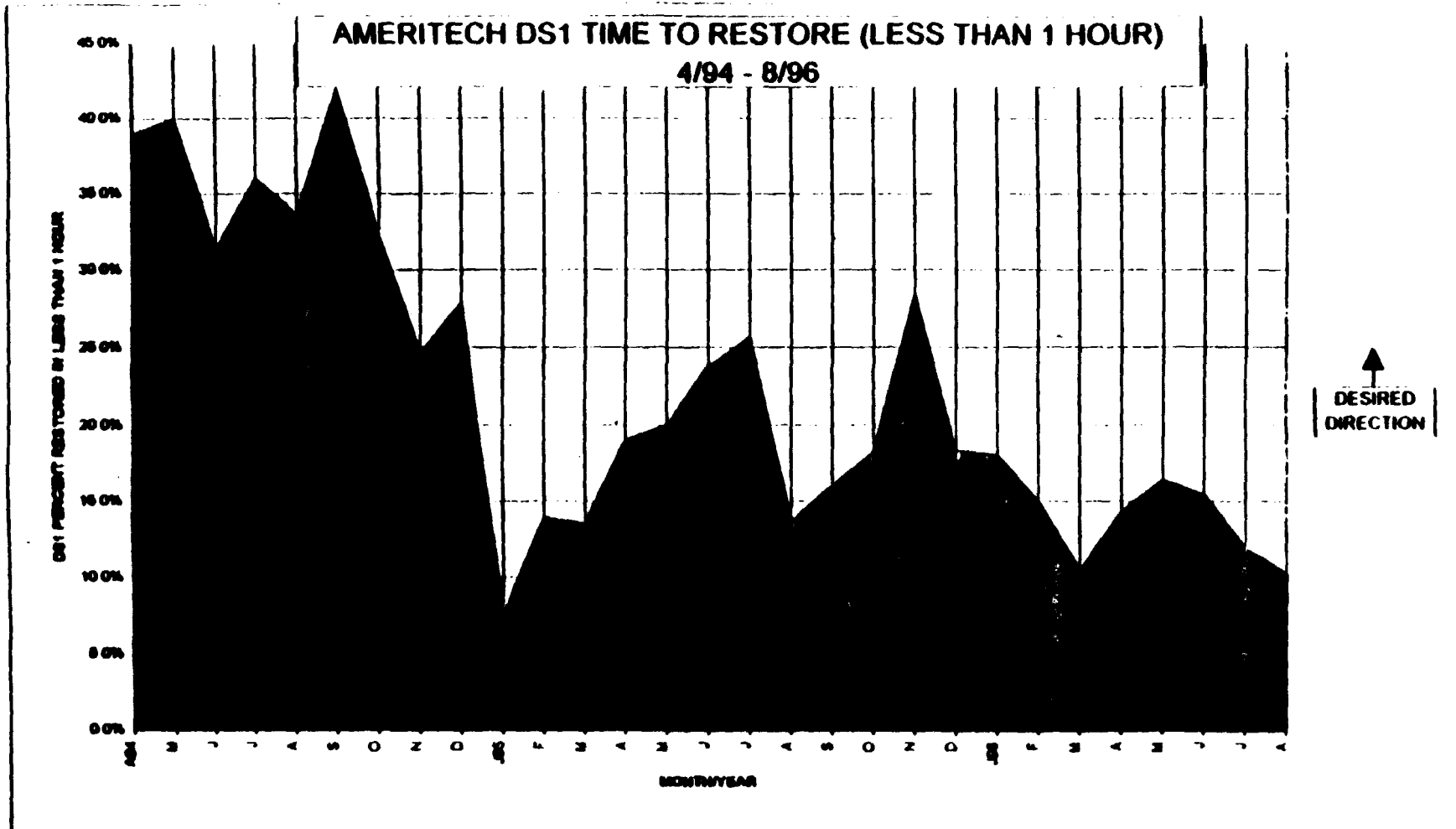


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**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

In the matter, on the Commission's own)	
motion, to consider Ameritech Michigan's)	
compliance with the competitive checklist)	Case No. U-11104
in Section 271 of the Telecommunications)	
Act of 1996)	

**AFFIDAVIT OF JUDITH D. EVANS
ON BEHALF OF AT&T COMMUNICATIONS OF MICHIGAN, INC.**

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

I, Judith D. Evans, being first duly sworn upon oath, do hereby depose and state as follows:

1. My name is Judith D. Evans. My business address is 227 West Monroe Street, Room 19SQ11, Chicago, Illinois. I am employed by AT&T Corp. ("AT&T") as a Technical Support Manager in the Local Services Division organization.

2. My current responsibilities as a Technical Support Manager include technical support of interstate/intrastate telecommunications services in AT&T's Central Region States, including Michigan, Illinois, Indiana, Ohio, and Wisconsin. As part of my responsibilities, I serve as AT&T's representative on the Michigan Number

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Portability Workshop, which attempts to resolve issues within the industry regarding the implementation of long-term number portability.

3. In 1969 I joined Illinois Bell Telephone Company in the Operator Services Department. My initial assignment included performing toll, intercept, mobile, centralized automatic message accounting, and universal operator functions. In November 1971, I was promoted to the Network Services Department. For the next 15 years I held a variety of technical craft and managerial positions in the Network Administration, Frames, Switching, and Switch Cutover organizations. In February 1986, I was transferred to the Planning and Engineering Department and performed the design/traffic engineering functions for 15 local, tandem, and operator services switching systems.

4. In July 1988, I accepted a position as a Senior Product Training Specialist in AT&T's 5ESS Switch Product Training Services Department, where I instructed and designed training for the 5ESS Switch Architecture, Engineering, and Network Administration Local Exchange Carrier curricula. In July 1991, I was promoted to Senior Product Training Consultant and was team leader project manager for both domestic and international documentation and training in the 5ESS Switch ISDN Customer Premises Equipment Sales & Marketing and 5ESS Switch Engineering groups.

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5. Over the past 27 years, I have attended numerous industry, schools, and seminars covering a variety of technical and regulatory issues. I am currently finishing course work at North Central College, Naperville, Illinois, for a Bachelor of Arts degree in Communications.

PURPOSE AND SUMMARY OF AFFIDAVIT

6. The purpose of my affidavit is to respond to the affidavits submitted by Ameritech's witnesses Gregory Dunny, John Mayer, and Warren Mickens regarding Ameritech's compliance with the competitive checklist of Section 271 of the Telecommunications Act of 1996 ("the 1996 Act") in the areas of number portability, dialing parity, and nondiscriminatory access to directory assistance and directory listings. I will demonstrate that, contrary to the assertions of Ameritech's witnesses, Ameritech has not satisfied its obligations in any of these areas.

7. As part of my discussion of number portability, I will discuss the overall competitive importance of local number portability -- both permanent ("PNP") and interim ("INP") -- to the development of vigorous local exchange competition. I will then discuss Ameritech's number portability obligations under the competitive checklist and the FCC's number portability rules implementing Section 251 of the 1996 Act. Finally, I will show that Ameritech has not met its INP obligations under the checklist, because it has failed to offer route indexing as an INP method, even though (as Ameritech has previously admitted) route indexing has been shown to be technically feasible.

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8. In my discussion of dialing parity, I will show that Ameritech has not discharged its dialing parity obligations under the checklist, primarily because of its failure to offer the INP solutions that are essential to adequate dialing parity. In addition, Ameritech has refused to provide intraLATA toll dialing parity. Even if Ameritech currently satisfies its dialing parity obligations under the checklist, its refusal to offer intraLATA dialing parity in the face of repeated orders of the Commission violates Section 271(e)(2)(B) of the 1996 Act and leaves substantial cause for concern that it will not comply with those obligations in the future after it has been granted in-region interLATA authority.

9. Finally, I will show that Ameritech has not met its obligations under the checklist to provide non-discriminatory access to directory assistance and directory listings. For example, Ameritech has failed to provide basic yellow pages listings for the customers of CLECs, free yellow page directories to such customers, and data to CLECs concerning an unlisted customer's status (as opposed to the customer's number), even such inclusion is clearly required by the 1996 Act and by the FCC's regulations.

I. NUMBER PORTABILITY

10. As Mr. Dunny states, Item (xi) of the competitive checklist requires that Ameritech provide "interim telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements.

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with as little impairment of functioning, quality, reliability, and convenience as possible," and that Ameritech fully comply with the number portability regulations promulgated by the FCC pursuant to the 1996 Act. 47 U.S.C. § 271(c)(2)(B)(xi); Affidavit of Gregory J. Dunny ("Dunny Aff."), ¶ 128. I do not agree with Mr. Dunny and Mr. Mayer, however, that Ameritech has met these requirements. See Dunny Aff., ¶¶ 128-135; Affidavit of John B. Mayer ("Mayer Aff."), ¶¶ 153-161.

A. The Competitive Importance of Local Number Portability

11. As used in this affidavit, the term local number portability ("LNP") refers generally to "service provider portability." Service provider portability is the capability of a customer to change to a different local service provider while retaining the same local telephone number at the same location and at the same service without impairment of functionality.

12. The absence of an effective LNP solution would be a significant barrier to the introduction of local exchange competition. Most customers will refuse to change carriers if they cannot have the assurance that their numbers will remain the same even after the change. Thus, it is essential that an effective LNP solution be implemented in a timely fashion.

B. Permanent Number Portability

13. As Item (xi) of the checklist recognizes by referring only to INP, permanent number portability has not yet been implemented. The absence of PNP,

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however, is relevant to the checklist, because the competitive importance of effective number portability requires that Ameritech's INP obligations must be strictly enforced -- as Congress recognized when it included in this checklist item the requirement of "full compliance" with the FCC's number portability regulations promulgated pursuant to Section 251.

14. Michigan statutory law requires that providers of basic local exchange service provide true number portability (i.e., PNP) no later than January 1, 1999; however, under the statute the Commission may require the provision of PNP before that date if it determines that such provision is "economically and technologically feasible." Mich. Stat. Ann. § 22.1469(358); MCL § 484.2358. Last June, pursuant to the statute, the Commission ordered Ameritech Michigan and GTE to commence implementation of PNP no later than when they begin implementation of PNP in Illinois, unless they show cause why further delay is necessary.¹

15. One month after the Commission issued its order, the FCC issued its Number Portability Order, which requires PNP to be deployed in the top 100 metropolitan statistical areas ("MSAs") nationwide beginning October 1, 1997, and to be completed in those MSAs by December 31, 1998. Markets beyond these MSAs are to be

¹ Case No. U-10860, In the Matter, On the Commission's Own Motion, To Establish Permanent Interconnection Arrangements Between Basic Local Exchange Service Providers, Opinion and Order issued June 5, 1996.

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converted to PNP within six months of any request, beginning January 1, 1999. Number Portability Order, ¶ 77 and Appendix F.

16. The Number Portability Order included three Michigan cities in the 100 MSAs where PNP must be implemented by the end of 1998: Detroit, Grand Rapids, and Ann Arbor. In these cities, implementation must begin on October 1, 1997, and must be completed throughout the MSA by the following dates:

Detroit MSA -- First quarter 1998

Grand Rapids MSA -- Third quarter 1998

Ann Arbor MSA -- Fourth quarter 1998

However, the FCC also required that in the Chicago MSA (the only one of the top 100 MSAs in Illinois), Ameritech commence offering PNP on October 1, 1997, and fully implement PNP (i.e., make PNP available through the entire Chicago MSA) by December 31, 1997.

17. Two months after the FCC issued the Number Portability Order, the Commission denied GTE's request for rehearing of its ruling on number portability in Case No. U-10860 and reiterated that Ameritech and GTE must begin long-term number portability in Michigan at the same time that Ameritech begins to implement true number portability in Illinois. Case No. U-10860, Order Denying Rehearing, issued September 12, 1996. Thus, Ameritech must begin implementation of PNP in Michigan on October 1, 1997 -- the same date on which it must begin such implementation in the

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Chicago MSA (and three Michigan MSAs) under the Number Portability Order.

However, under the Number Portability Order, the Michigan statute, and the Commission's orders, full implementation of PNP in areas outside the Detroit, Grand Rapids, and Ann Arbor MSAs will not be required until at least January 1, 1999.

18. Like other States in Ameritech's region, Michigan has formed a Number Portability Workshop composed of Ameritech, AT&T, and other industry representatives for the purpose of attempting to resolve issues regarding the implementation of PNP. Thus far, progress has been made on a few of the implementation issues. However, implementation of PNP in Michigan has been slow and remains largely in the theoretical stage. For example, numerous critical decisions and implementation issues regarding PNP are yet to be addressed. The LNP Regional Workshop Operations Subcommittee has 51 issues currently identified on its action item list and has yet to resolve 37 of those issues.

19. Moreover, to date Ameritech has provided very little information indicating whether it is on schedule to meet the PNP schedule established by the FCC and this Commission, aside from Mr. Mayer's ambiguous statement that Ameritech "plans" to begin implementation of PNP in Michigan "by fourth quarter 1997." Mayer Aff., ¶ 160. Mere assurances such as these are not enough.

20. As discussed in the reply affidavit filed in this proceeding by John Puljung, Ameritech has a long history of delays and non-compliance with Commission

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orders, including the intraLATA presubscription orders (which I briefly discuss below).

This history, by itself, leaves much room for concern that Ameritech will be similarly noncompliant regarding the implementation of PNP.

21. If Ameritech were to be granted interLATA relief prior to the implementation of PNP in an MSA like Detroit, Ameritech's motivation to comply with the PNP schedule would be dramatically reduced. To date Ameritech has had a strong incentive to cooperate -- or appear to cooperate -- with its competitors on number portability issues. The FCC is not likely to allow a BOC that appears to be "stonewalling" in implementing the PNP schedule to enter the long-distance market.

22. AT&T, however, is concerned that Ameritech will not comply with the PNP implementation schedule once it receives in-region interLATA authority. In order for the deadlines of the FCC and this Commission to be met, a number of milestones with respect to switch upgrades, software development and testing must be met in what everyone agrees is an aggressive schedule. Moreover, achievement of PNP will not be possible absent resolution of numerous critical issues on PNP in the Michigan workshop.

23. Ameritech will have little or no incentive to cooperate with its competitors on PNP implementation if it receives in-region interLATA authority before it has fully implemented PNP in an MSA such as Detroit. In fact, under such circumstances Ameritech would have every reason to delay resolution of those issues, and thus PNP, by

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refusing to agree to a solution or by forcing litigation of the issues. The delay would have the effect of enhancing Ameritech's competitive position and impairing the growth of competition, because CLECs would be forced to continue using INP methods, which are unsuitable as long-term solutions.²

24. Adherence to the PNP schedule is critical to the development of competition, because none of the INP solutions that I discuss below can serve as a permanent solution in fulfilling the implementation schedules of the FCC and this Commission. As the FCC found in its Number Portability Order, each of the INP is an inadequate method because each method:

- (1) impairs the quality, reliability, or convenience of the telecom services offered when customers switch between carriers (for example, Caller I.D. is disabled);
- (2) requires competing local exchange carriers ("CLECs") to depend upon the original incumbent service provider's (i.e., Ameritech's) network; or
- (3) wastes the limited numbering resources (i.e., assigning a second "shadow number").

Number Portability Order, ¶¶ 110, 115.

25. Thus, the longer a permanent solution is delayed, the longer competitors will face significant competitive hurdles, as they are forced to incur time and

² That is why the Commission, to mitigate the likelihood of a problem later, should (at a minimum) formally adopt requirements that Ameritech: (1) identify its responsible personnel; (2) specifically outline its schedule for implementation of the LRN method of PNP; and (3) provide the Commission with regular monthly reports on the progress of the PNP project.

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expense on the inferior and outmoded INP solutions for serving their customers. That is why, until PNP is implemented, it is critical to competition that the most effective INP methods be made available to CLECs -- and that Ameritech be strictly required to comply fully with its statutory obligations under the 1996 Act to provide all such methods, to the extent that they are technically feasible.

26. Interim portability options have become particularly important to AT&T in connection with its facility-based plans for Michigan areas outside of the Detroit, Ann Arbor, and Grand Rapids MSAs. AT&T has recently created a market plan targeted for certain business customers for the third quarter of 1997 to provide competitive local service to customers by using switch capacity that currently exists in AT&T switching systems placed throughout the State of Michigan.³ Inferior or unduly expensive interim solutions, such as Ameritech's Direct Inward Dial ("DID") or Flexible DID, will have an extremely negative impact on AT&T's ability to implement its proposed market plan -- and, in fact, would shackle AT&T as a competitor in the Michigan marketplace.

C. Interim Number Portability

27. Ameritech is currently offering INP through Remote Call Forwarding ("RCF"), DID, and NXX Migration (otherwise known as Local Exchange

³ Of course, business plans are always subject to change and unexpected developments, especially in the volatile telecommunications market. Thus, market plan target dates can be accelerated or delayed, depending on the circumstances.

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Routing Guide ("LERG") Reassignment). Dunny Aff., ¶¶ 129, 133; Mayer Aff., ¶ 153.

This offer, however, does not comply with Ameritech's obligation under the checklist to provide any INP method that is "technically feasible." Specifically, Ameritech has not agreed to provide route indexing -- including Route Indexing - Portability Hub ("RI-PH") -- even though this INP method is not only technically feasible, but is also necessary for AT&T properly to serve business customers and to take advantage of LERG Reassignment solutions.

28. Section 251 of the 1996 Act, which sets forth the INP obligations referred to in Item (xi) of the competitive checklist, requires LECs "to provide to the extent technically feasible, number portability in accordance with regulations prescribed by the [FCC]." 47 U.S.C. § 251(b)(2). The FCC has thus required that, until a PNP solution is fully deployed, carriers such as Ameritech must provide all technically feasible INP solutions necessary for CLECs to be able to realistically achieve near term competition with incumbent LECs such as Ameritech. See Number Portability Order, ¶¶ 110-111, 115; 47 C.F.R. § 52.27.

29. Messrs. Dunny and Mayer assert that it is "important" that any INP method "be (1) technically feasible now, (2) available now based on current facilities, (3) not result in significant additional costs, and (4) port numbers with a minimum loss of functionality." Dunny Aff., ¶ 130; see also Mayer Aff., ¶ 153. However, with the exception of the fourth requirement (which is included in Item (xi) of the checklist), these requirements are inconsistent with the 1996 Act and the FCC's regulations.